

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)
)
TAMARA FAYE MILLER,) Case No. 13-30930-DOT
) Chapter 13
)
Debtor.)
)
ESSEX BANK,)
)
Movant,)
)
v.)
)
TAMARA FAYE MILLER and)
ROBERT E. HYMAN, TRUSTEE,)
)
Respondents.)
)

ORDER CONFIRMING TERMINATION OF AUTOMATIC STAY

This matter comes before the Court on the motion of Essex Bank (“Essex Bank”) seeking entry of an order pursuant to 11 U.S.C. §§ 362(c)(3)(A) and 362(j) confirming that the automatic stay has been terminated.

The Court conducted a hearing on April 24, 2013. At the hearing, William D. Prince, IV,

Counsel for Essex Bank

David R. Ruby, Esquire (VSB #22703)
William D. Prince, IV Esquire (VSB #77209)

ThompsonMcMullan, P.C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219
Telephone: (804) 698-6220
Facsimile: (804) 780-1813
Email: druby@t-mlaw.com
Email: wprince@t-mlwa.com

Esquire, counsel for Essex Bank, appeared and participated in the hearing. Tamara Faye Miller (the “Debtor”) appeared and participated in the hearing *pro se*.

Upon consideration of the motion and reply memorandum filed by Essex Bank, the objection filed by the Debtor and the respective argument of counsel for Essex Bank and the Debtor at the hearing,

THE COURT HEREBY ORDERS AS FOLLOWS:

1. The termination of the automatic stay imposed by 11 U.S.C. § 362(a) is hereby confirmed with respect to the Debtor and the Debtor’s real property located at: 9441 Deer Stream Drive, Mechanicsville, Virginia 23116 (the “Property”).

2. Essex Bank, and its successors and assigns, are hereby authorized and permitted to enforce the lien of its deed of trust as it pertains to the Property, which is more particularly described as follows:

ALL that certain lot, piece or parcel of land, with improvements thereon, lying and being in Chickahominy District, Hanover County, Virginia, designated as Lot 13, Block B, Section A, Deer Valley, all as more particularly shown on plat of survey by Goodfellow, Jalbert, Beard and Associates, Inc., dated August 11, 1997, recorded June 22, 1998, in the Clerk’s Office, Circuit Court, Hanover County, Virginia, in Subdivision Plat Book 8, page 295, and to which plat reference is hereby made for a more particular description of the lot hereby conveyed.

which relief shall extend to the purchaser at a foreclosure sale to allow the purchaser to take such action under state law, as may be necessary, to obtain possession of the Property.

3. Essex Bank is hereby permitted to seize, demand, take possession of, take control of, liquidate, sell, effect transfers of, and foreclose on its lien against the Property in accordance with the promissory note, deed of trust and other contractual rights and applicable law.

May 7 2013

DONE at Richmond, Virginia, this _____ day of _____, 2013.

/s/ Douglas O. Tice Jr.

Douglas O. Tice, Jr., Judge

United States Bankruptcy Judge

Entered on Docket: May 8 2013

I ASK FOR THIS:

ESSEX BANK

By: /s/ William D. Prince, IV
William D. Prince, IV, Esquire (VSB #77209)
ThompsonMcMullan, P.C.
100 Shockoe Slip, Third Floor
Richmond, Virginia 23219
Telephone: (804) 698-6220
Facsimile: (804) 780-1813
Email: wprince@t-mlaw.com
Counsel for Essex Bank

SEEN AND NO OBJECTION:

By: /s/ Robert E. Hyman (with permission based on fax dated 05/02/2013)
Robert E. Hyman, Esquire
P.O. Box 1780
Richmond, VA 23218-1780
Telephone: 804-775-0979
Chapter 13 Trustee

Certification of Compliance with Local Rule 9022-1(C)

Pursuant to Local Rule 9022-1(C), I hereby certify that the foregoing Order has been endorsed by and/or served on all necessary parties.

/s/ William D. Prince, IV

William D. Prince, IV

PARTIES TO RECEIVE COPIES

William D. Prince, IV, Esquire
ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, Virginia 23219

Robert E. Hyman, Esquire
P.O. Box 1780
Richmond, VA 23218-1780

Tamara Faye Miller
9441 Deer Stream Drive
Mechanicsville, VA 23116

Certificate of Notice Page 6 of 7
United States Bankruptcy Court
Eastern District of Virginia

In re:
Tamara Faye Miller
Debtor

Case No. 13-30930-DOT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0422-7

User: smithla
Form ID: pdforder

Page 1 of 2
Total Noticed: 1

Date Rcvd: May 08, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 10, 2013.

db +Tamara Faye Miller, 9441 Deer Stream Drive, Mechanicsville, VA 23116-6208

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 10, 2013

Signature:



District/off: 0422-7

User: smithla
Form ID: pdforder

Page 2 of 2
Total Noticed: 1

Date Rcvd: May 08, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 8, 2013 at the address(es) listed below:

Patti H. Bass on behalf of Creditor Capital One, N.A. ecf@bass-associates.com
Robert E. Hyman station08@ricva.net,
notices@access13.com;station03@ricva.net;station05@ricva.net;station06@ricva.net;station07@ricva.
net;station10@ricva.net;station09@ricva.net;station16@ricva.net;station11@ricva.net;station12@ric
va.net;stat
William Daniel Prince, IV on behalf of Creditor Essex Bank wprince@t-mlaw.com

TOTAL: 3